

REMARKS

Reconsideration of the Application in view of the above amendments and following remarks is respectfully requested.

Status of the Claims

Claims 1-4 are pending.

Claim 4 is withdrawn.

Claim 1 is objected to.

Claims 1-3 are rejected.

Claims 1-3 are currently amended and no new matter has been added by way of this amendment.

Objections to the Claims

Claim 1 is objected to for informalities. Claim 1 has been amended to address the objection.

Rejections Under 35 U.S.C. § 112

Claims 1-3 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Specifically, the Examiner states that the recitation “like a bowl” in claim 1 is unclear. This recitation has been deleted from the claim. The Examiner also states that the language “for communicating the oil passage and the inside of the crankcase” is indefinite because the term “communicating” is not clear. Claims 1 and 3 have been amended to recite “for connecting the oil passage and the inside of the crankcase.” The Examiner states that in claim 2 it is not clear how the oil strainer can be “on” an oil passage. Claim 2 has been amended to recite that “the oil strainer is interposed between the cover member and the bottom portion.” Applicants submit that these amendments make the claims clear and definite and request reconsideration and withdrawal of the rejections.

Allowable Subject Matter

Applicants thank the Examiner for the indication that claim 3 includes allowable subject matter. The Examiner states that claim 3 would be allowable if rewritten to overcome the rejections under 35 U.S.C. § 112 and to include all the limitations of the base and any intervening claims. Applicants have amended claim 3 to overcome the rejections and include all the limitations of its base and intervening claims.

Rejections Under 35 U.S.C. § 102

Claims 1 and 2 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,058,898 to Freese. The Examiner states that Freese discloses all the features of the invention. Applicants respectfully traverse the rejection.

Amended claim 1 recites “a swelled portion formed on a bottom portion of the oil pan by swelling the bottom portion to a side opposite to the crankcase.” In contrast, the swelled portion of Freese referenced by the Examiner is not opposite the crankcase.

Amended claim 1 also recites “a cover member provided on the swelled portion for covering a lower face of the bottom portion.” The cover member of Freese covers a side of the oil pan not a lower face.

Amended claim 1 also recites “an oil passage formed from the cover member and the bottom portion.” This feature is not disclosed by Freese. Further, the cover member of Freese is slotted (column 4, line 54) and can not function as part of an effective oil passage.

Thus, Freese does not disclose each and every feature of claim 1. Accordingly, claim 1 is patentable over Freese. Applicants respectfully request reconsideration and withdrawal of the rejection.

CONCLUSION

Each and every point raised in the Office Action dated March 21, 2006 has been addressed on the basis of the above amendments and remarks. Applicants submit that claim 2 is in condition for allowance and is generic. Applicants reiterate the traversal of the restriction requirement and request that claim 4 is rejoined.

In view of the foregoing it is believed that claims 1-4 are in condition for allowance and it is respectfully requested that the application be reconsidered and that all pending claims be allowed and the case passed to issue.

If there are any other issues remaining which the Examiner believes could be resolved through a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned at the telephone number indicated below.

Dated: June 30, 2006

Respectfully submitted,

By: 

Louis J. DelJuice

Registration No.: 47,522

DARBY & DARBY P.C.

P.O. Box 5257

New York, New York 10150-5257

(212) 527-7700

(212) 527-7701 (Fax)

Attorneys/Agents For Applicant